

Exhibit C
in Support of 1/23/08 Letter Brief

Hilbert, Ryan

From: Katz, Ron
Sent: Tuesday, January 22, 2008 6:43 PM
To: 'RThompson@fbm.com'; BHoltzapple@fbm.com; HDutton@fbm.com; DAcevedo@fbm.com
Cc: caweiss@bryancave.com; msdeiermann@bryancave.com; Hilbert, Ryan
Subject: RE: Activity in Case 3:07-cv-05585-JSW Visa U.S.A. Inc. v. Maritz, Inc. Order

Rod--

I am surprised that you will not extend this normal courtesy between counsel. There is absolutely no prejudice to Visa, and you have articulated none. We will be sending Judge White a letter brief tomorrow, and we will attach your email below setting out your position.

Ron

-----Original Message-----

From: RThompson@fbm.com [mailto:RThompson@fbm.com]
Sent: Tuesday, January 22, 2008 6:36 PM
To: Katz, Ron; BHoltzapple@fbm.com; HDutton@fbm.com; DAcevedo@fbm.com
Cc: caweiss@bryancave.com; msdeiermann@bryancave.com; Hilbert, Ryan
Subject: RE: Activity in Case 3:07-cv-05585-JSW Visa U.S.A. Inc. v. Maritz, Inc. Order

Ron, while we normally would accommodate your vacation plans, under the circumstances Visa cannot agree to any further delay in the hearing date.

As you know, Visa's original motion was set for hearing before Judge Zimmerman in early January. After the case was reassigned to Judge White, we provided informal notice in early December that Visa would refile and notice the motion for hearing on February 8. Although the Court last week denied Maritz ex parte application to delay that hearing for six weeks, the Court reset the hearing to February 22 to allow briefing on the Maritz request for discovery. You advised last week of your scheduling conflict at 9 a.m. on February 22 and Visa agreed to the statement in a joint letter, suggesting a 1:30 p.m. hearing time on that date to accommodate your schedule. In response the Court reset the motions for February 29. It is not in Visa's interests to agree to another delay in the hearing.

Mannatt and Bryan Cave have several other lawyers working on this case. Surely one of them can cover the hearing if need be. Alternatively, Visa continues to have no objection to a 1:30 p.m. hearing date on February 22, if that would be acceptable to the Court.

Rod

-----Original Message-----

From: Katz, Ron [mailto:RKatz@manatt.com]
Sent: Tuesday, January 22, 2008 3:02 PM
To: Thompson, Rod (27) x4445; Holtzapple, Bob (31) x4939; Dutton, Helen (19) x4431; Acevedo, Diego (21) x4401
Cc: caweiss@bryancave.com; msdeiermann@bryancave.com; Hilbert, Ryan
Subject: RE: Activity in Case 3:07-cv-05585-JSW Visa U.S.A. Inc. v. Maritz, Inc. Order

Rod--

Judge Roesch of the Alameda Superior Court has kept the hearing I must attend at the 9:00 a.m. time slot on February 22. Therefore, because I have a pre-planned, pre-paid vacation during the February 29 slot that Judge White has assigned us, would Visa agree to make a joint request to the Court that our hearing be set on March 7? If so, please let me know and I will draft a letter for your review. If not, we will be making

that request of Judge White and informing him of your opposition to it.

Thanks,

Ron

-----Original Message-----

From: Katz, Ron
Sent: Friday, January 18, 2008 4:33 PM
To: 'RThompson@fbm.com'; 'BHoltzapple@fbm.com'; 'HDutton@fbm.com';
'DAcevedo@fbm.com'
Cc: 'caweiss@bryancave.com'; 'msdeiermann@bryancave.com'; Hilbert, Ryan
Subject: RE: Activity in Case 3:07-cv-05585-JSW Visa U.S.A. Inc. v.
Maritz, Inc. Order

Thanks. I will let you know Monday pm what happens in Alameda.

Ron Katz 650-812-1346
Sent from my Wireless
Handheld

-----Original Message-----

From: RThompson@fbm.com [mailto:RThompson@fbm.com]
Sent: Friday, January 18, 2008 04:19 PM Pacific Standard Time
To: Katz, Ron; BHoltzapple@fbm.com; HDutton@fbm.com;
DAcevedo@fbm.com
Cc: caweiss@bryancave.com; msdeiermann@bryancave.com; Hilbert, Ryan
Subject: RE: Activity in Case 3:07-cv-05585-JSW Visa U.S.A. Inc.
v. Maritz, Inc. Order

Yes.

-----Original Message-----

From: Katz, Ron [mailto:RKatz@manatt.com]
Sent: Friday, January 18, 2008 4:16 PM
To: Thompson, Rod (27) x4445; Holtzapple, Bob (31) x4939; Dutton, Helen
(19) x4431; Acevedo, Diego (21) x4401
Cc: Charles A. Weiss; Mark S. Deiermann; Hilbert, Ryan
Subject: FW: Activity in Case 3:07-cv-05585-JSW Visa U.S.A. Inc. v.
Maritz, Inc. Order

Rod--

As I mentioned to you this a.m., I am out of town on 2/29. At this hour, it's probably best to await what Judge Roesch decides Monday p.m. (which may enable us to get back to 2/22 with Judge White) & then get back to Judge White. Do you agree?

Ron

Ron Katz 650-812-1346
Sent from my Wireless
Handheld

-----Original Message-----

From: ECF-CAND@cand.uscourts.gov [mailto:ECF-CAND@cand.uscourts.gov]
Sent: Friday, January 18, 2008 04:03 PM Pacific Standard Time
To: efiling@cand.uscourts.gov
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Maritz, Inc. Order

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Case Name: Visa U.S.A. Inc. v. Maritz, Inc.

Case Number: 3:07-cv-5585

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Filer:

Document Number: 44

<https://ecf.cand.uscourts.gov/doc1/03504233562?magic_num=70347253&de_seq_num=151&caseid=197377>

Docket Text:

ORDER re [43] Letter Brief and Amended ORDER re [33] Ex Parte Application and Miscellaneous Administrative Request to Continue the Hearing Date. Signed by Judge Jeffrey S. White on January 18, 2008. (jswlc2, COURT STAFF) (Filed on 1/18/2008)

3:07-cv-5585 Notice has been electronically mailed to:

Diego F. Acevedo dacevedo@fbm.com, dwilliams@fbm.com

Helen E. Dutton hdutton@fbm.com

Ryan S. Hilbert rhilbert@manatt.com, AScardina@manatt.com,
dcrim@manatt.com, dwishon@manatt.com, KHunt@manatt.com,
lpalmer@manatt.com, lvete@manatt.com, ssareth@manatt.com,
TMartin@manatt.com

Robert C. Holtzapple rholtzapple@fbm.com, calendar@fbm.com,
greteria@fbm.com

Ronald Stanley Katz rkatz@manatt.com, AScardina@manatt.com,
dcrim@manatt.com, dwishon@manatt.com, KHunt@manatt.com,
lvete@manatt.com, ssareth@manatt.com

Elizabeth Diemphuc Le edle@rkmc.com

Roderick Manley Thompson rthompson@fbm.com, adugan@fbm.com,
calendar@fbm.com

3:07-cv-5585 Notice has been delivered by other means to:

The following document(s) are associated with this transaction:

Document description: Main Document
Original filename: G:\JSWALL\2007\07-5585\Amended Order re Admin
Request.pdf Electronic document Stamp: [STAMP CANDStamp_ID=977336130
[Date=1/18/2008] [FileNumber=4067670-0]
[5179a88cbee81e6b2a69a067e087b86dd358cddbda66712e097da374838a8e1608861ed
e2e1081733bb3bef2643c11e8e3a3fc642769f1e741ff51518c784d1efb]]

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